



Fraud and Abuse Prevention Program

Immigration Judge Training



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Fraud and Abuse Prevention Program

- Serves as a centralized point for referral of fraud concerns
- Provides training for EOIR personnel (and others)
- Supports investigation and prosecution of fraud by federal, state, and local law enforcement and/or disciplinary authorities
- Coordinates with Attorney Discipline program



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Fraud and Abuse Prevention Counsel
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Associate General Counsel
- **(b)(6) and (b)(7)(C)**
Fraud and Abuse Investigator
- **Phil Rimmer**
Paralegal



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Referral Sources, including:

- Immigration Judges
- Attorneys/Accredited Reps
- OCIJ staff
- Respondents
- Board Members
- Non-profits
- Board Attorneys/Staff
- Public
- OCAHO
- Law Enforcement
- USCIS/ICE
- Prosecutors



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Types of Fraud:

- Benefit Fraud
- Scams
- Unauthorized practice of law



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Fraud Schemes: Benefit Fraud

- Applications before EOIR
 - Asylum
 - 42B
 - Other benefits



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Fraud Schemes: Benefit Fraud

- Common ways of committing fraud
 - Document Fraud
 - Fabricating or altering documents
 - Boilerplate claims
 - False testimony

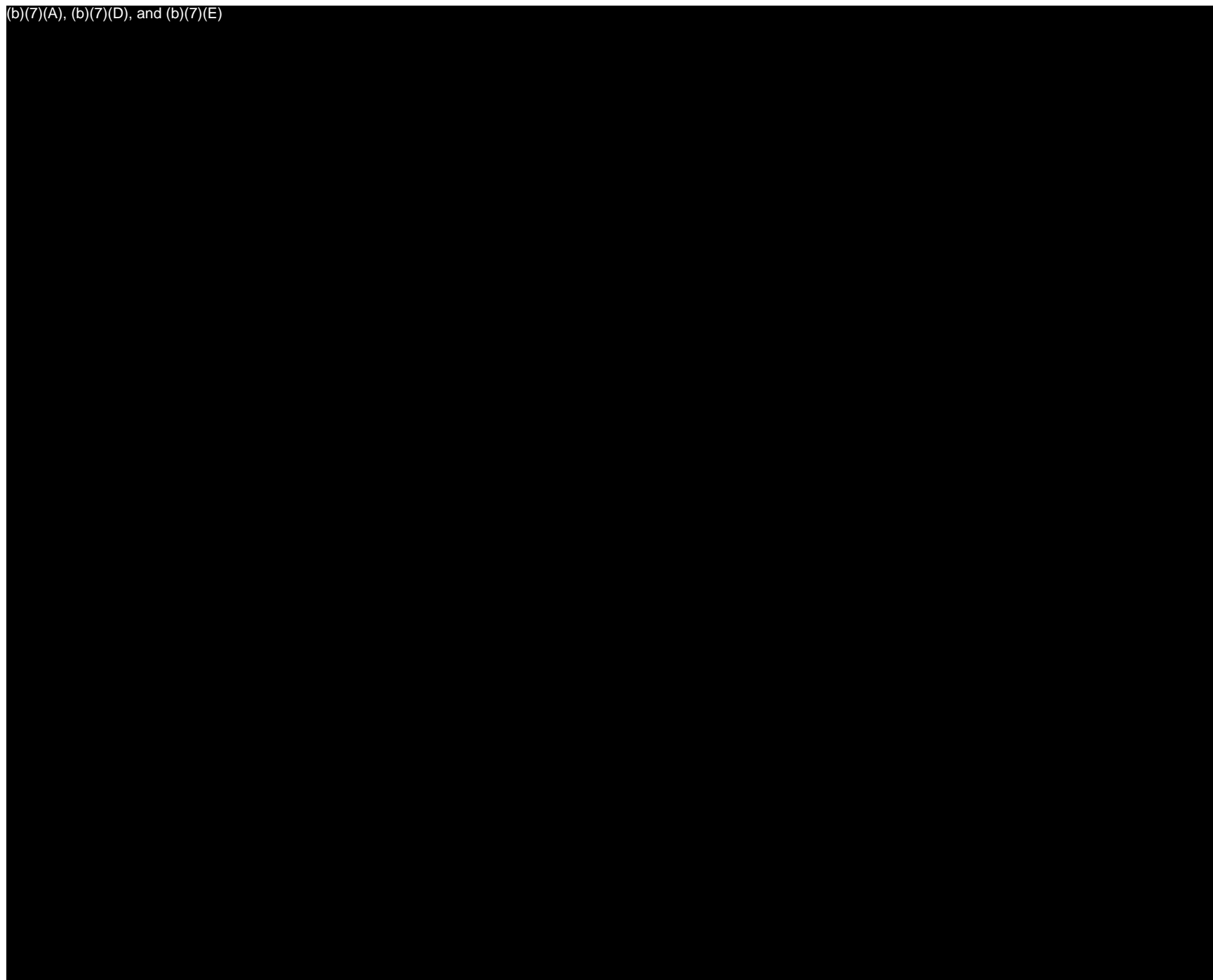


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Fraud Schemes: Benefit Fraud

- Examples of asylum boilerplate schemes

(b)(7)(A), (b)(7)(D), and (b)(7)(E)





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Operation Fiction Writer (cont)

- Chinese asylum fraud scheme

(b)(7)(A), (b)(7)(D), and (b)(7)(E)

- [REDACTED]
- 3 main false claims
 - Forced abortion
 - Practice of Christianity
 - Practicing Falun Gong or membership in Democratic Party



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Operation Fiction Writer (cont)

- 26 individuals convicted of asylum fraud or conspiracy
 - 10 law firms involved
 - 6 attorneys
 - 4 interpreters
- Approximately 9,000 asylum applications implicated
 - 6,000 affirmative
 - 3,000 defensive



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(b)(7)(A), (b)(7)(D), and (b)(7)(E)



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(b)(7)(A), (b)(7)(D), and (b)(7)(E)



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Fraud Schemes: Benefit Fraud

- Example of a fabricated document

(b)(7)(A), (b)(7)(D), and (b)(7)(E)





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- Benefit fraud against other gov't agencies

- USCIS





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Examples of immigration-related scams:

- Deceptive Advertising





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Examples of immigration-related scams:

- Selling USCIS or EOIR Forms





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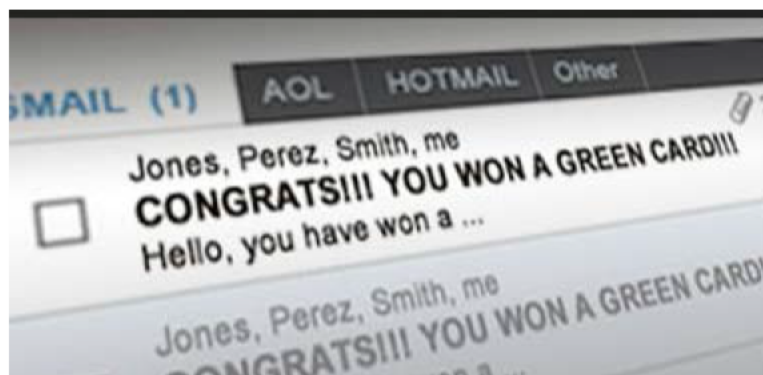
Examples of immigration-related scams:

- Taking money for services that are not provided
- Convincing respondent to apply for relief for which they are not eligible
 - Ex: 10-year green card scam



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Examples of immigration-related scams:



- Websites
 - Ex: US-immigration.com
 - Charged for I-90



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Examples of immigration-related scams:

- Impersonating EOIR employees
- Other cases of impersonating USCIS or IRS employees



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Unauthorized Practice of Immigration Law (UPIIL)

- Also called “*Notario* Fraud”



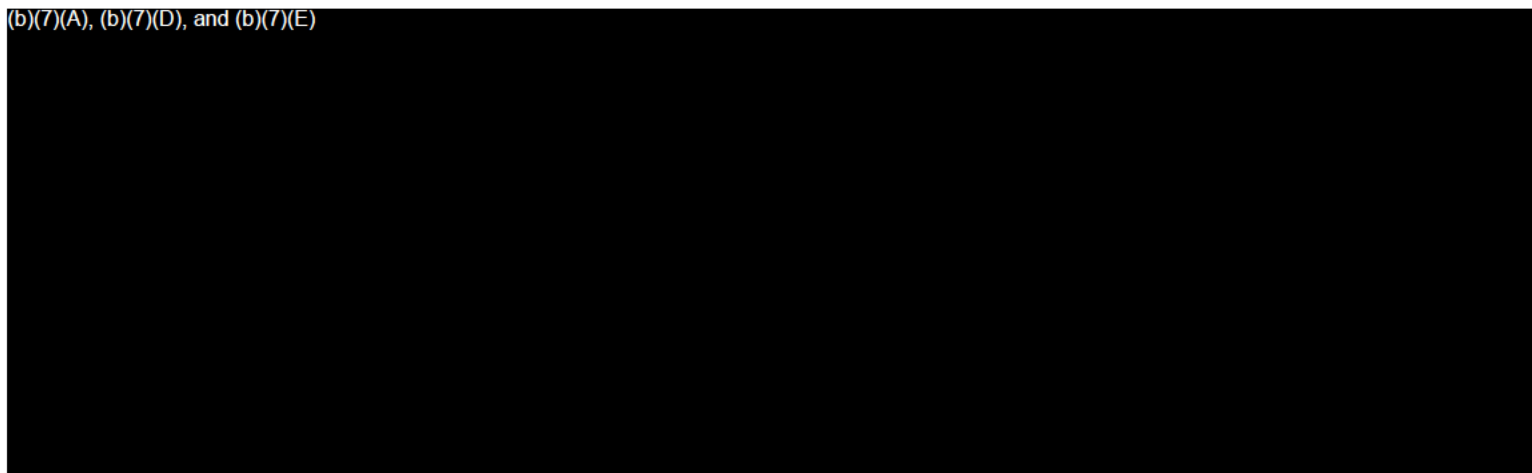


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- Examples: UPIL

- Rena Starks

(b)(7)(A), (b)(7)(D), and (b)(7)(E)



- Indicted by Nevada Attorney General Sept 2016
- Criminal trial begins Sept 2017

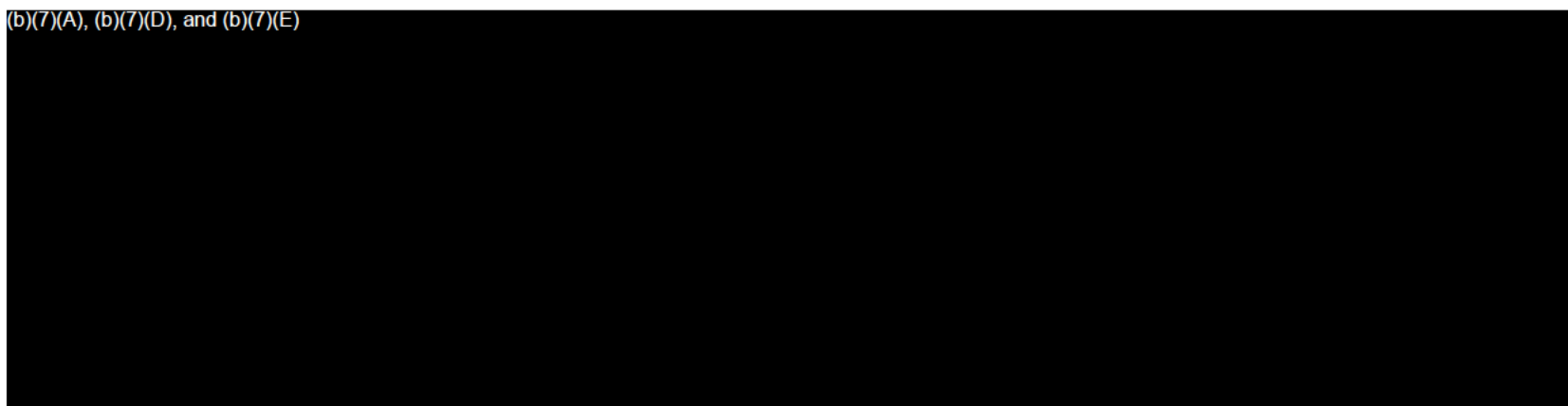


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- Examples: UPIL

- Jessica and Eric Alva: Impersonated attorney employer

(b)(7)(A), (b)(7)(D), and (b)(7)(E)



- Contempt of Court-
 - 18 months jail and \$1,000,000 fine
- Pled guilty to federal charge- 6 months jail



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- **Fraud Program vs. Attorney Discipline**
 - Attorney Discipline regulates attorneys and accredited reps under EOIR's Rules of Professional Conduct
 - EOIR Form-44
 - Fraud Program covers those who are not eligible to practice before EOIR, as well as fraudulent activity
 - Ex: Attorney takes money but does not show up in court or provide promised services



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- Tips for spotting fraud:
 - Watch for unrelated respondents or documents filed by pro se respondents coming from the same address
 - Watch for altered or suspect documents, including EOIR documents



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- Tips for spotting fraud:

- Check to see if attorney is validly licensed:

<https://www.justice.gov/eoir/can-someone-represent-you-eoir>

- Check list of EOIR suspended/disbarred attorneys:

<https://www.justice.gov/eoir/list-of-currently-disciplined-practitioners>

- Check R&A list: <https://www.justice.gov/eoir/recognition-accreditation-roster-reports>

- The two EOIR lists are especially important for e-Registry!

ATTORNEYS

Attorneys must be members “in good standing” of the bar of the highest court of any State, the District of Columbia (D.C.), a U.S. possession, U.S. territory, or U.S. commonwealth. A list of all of the locations where an attorney can be validly licensed and practice before EOIR is below.

You can contact the entity that provides the attorney’s license to ask if the attorney is a member of their bar and if the attorney is in good standing, meaning the attorney has maintained an active license and has not been suspended or disbarred. Most locations maintain databases on the internet where you can look up lawyers, but a few states require that you call. If you call, ask if the attorney is licensed in that location and is in good standing.

Below, you will find links to each U.S. state, the District of Columbia, and the U.S. possessions, territories, or Commonwealths that license attorneys. Please read all of the information provided by the licensing authority, as each one provides different information about their attorneys on their website. This information is provided as a courtesy, and the Department of Justice does not certify its accuracy.

Click on the picture or name of the U.S. state, territory, possession, or Commonwealth below for information about contacting the location’s licensing authority.





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Fraud Program: Submitting a complaint

- Each court should have its own process for submitting complaints to the Fraud Program.
- Complaints can be sent to Fraud Counsel or the Fraud inbox:

Brea.Burgie@usdoj.gov
703-756-8156

EOIR.Fraud.Program@usdoj.gov
877-388-3840



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Fraud Program: Submitting a complaint

- No format required for complaints: Just outline the events that occurred
- Please try to get copies of evidence of fraud if possible.
 - For example:
 - Copies of receipts/retainer agreements
 - Copy of an advertisement containing a scam



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Fraud Program: Investigation and Referral

- Once we receive a complaint, the Fraud Program conducts an investigation
- If substantiated, we take appropriate internal action:
 - Inform the courts/Board that are involved
 - Send cease and desist letters
 - Refer to Attorney Discipline if attorney or accredited representative



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Fraud Program: Investigation and Referral

- We also involve federal, state, or local law enforcement or prosecutors, if appropriate:
 - Gather all available evidence
 - Draft a referral memorandum
 - Provide continued support for the investigation and prosecution as it advances
 - For UPIL or licensed attorneys who commit fraud: We may also refer to state bar authorities (in coordination with the AD program)



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Fraud Program: Requests for Assistance

- We receive requests for assistance from local, state, and federal law enforcement/prosecutors and licensing authorities
- Requests include:
 - Information from EOIR cases:
 - DAR recordings
 - Copies of documents from ROPs
 - Testimony
 - Statistics
 - Recognition and Accreditation status
 - Recognition and Accreditation affidavits



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(b)(7)(A), (b)(7)(D), and (b)(7)(E)



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Resources:

- Federal Trade Commission:
<https://www.consumer.ftc.gov/features/feature-0012-scams-against-immigrants>
- USCIS Avoid Scams:
<https://www.uscis.gov/avoid-scams>





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- Questions for you:
 - What types of fraud are you seeing in your jurisdiction?
 - What resources would you like to see from the Fraud Program?
 - What other training would be helpful?



QUESTIONS?

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